

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LABMD, INC. and MICHAEL J.)	
DAUGHERTY,)	
)	Civil Action No. 17-1365
Plaintiffs,)	Judge Marilyn J. Horan
)	Magistrate Judge Maureen P. Kelly
v.)	
)	
TIVERSA HOLDING CORP., ROBERT J.)	Re: ECF Nos. 48, 50, 52 and 55
BOBACK, REED SMITH LLP, JARROD D.)	
SHAW, CLARK HILL PLC, and ROBERT J.)	
RIDGE,)	
)	
Defendants.)	

MEMORANDUM ORDER

AND NOW, this 6th day of November, 2018, after Plaintiffs LabMD, Inc. and Michael J. Daugherty (“Plaintiffs”) filed an action in the above-captioned case, and after Motions to Dismiss were filed by Defendants (ECF Nos. 48, 50, 52 and 55) and after a Report and Recommendation was filed by the United States Magistrate Judge (ECF No. 74) and upon consideration of the Objections filed by Plaintiffs (ECF No. 75), and the responses to the Objections submitted by Defendants (ECF Nos. 76, 77 and 78), Plaintiff’s Response to ECF No. 76 (ECF No. 81), and Defendant’s Reply thereto (ECF No. 85), and upon consideration of the Magistrate Judge’s Report and Recommendation, and upon independent review of the record;

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 74) is ADOPTED as the Opinion of this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Report and Recommendation, the Motions to Dismiss (ECF Nos. 48, 50, 52 and 55) are GRANTED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

s/Marilyn J. Horan
Marilyn J. Horan
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

All Counsel of Record Via CM-ECF